IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 15502 of 2007(U)

PETITIONER:

V.SANU,
DEPUTY DIRECTOR OF EDUCATION(UNDER SUSPENSION),
ERNAKULAM.

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD

RESPONDENTS:

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1. **STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   GENERAL EDUCATION (C) DEPARTMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF PUBLIC INSTRUCTIONS,**
   JAGATHY, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.15502 OF 2007-U

Judgment

The petitioner has been placed under suspension by Ext.P1 order of the Government. He is an accused in a case, registered in connection with the leaking of question papers of the SSLC Examination of the academic year 2004-05. He filed Ext.P2 representation, seeking review of his suspension. The said representation was considered and rejected by Ext.P4. It was also ordered that his suspension was extended for a further period of six months. The relevant portion of the said order reads as follows :

> *"On review of the case in pursuance of Rule 17 of MDP and in the light of the judgment dated 09.04.2007 in Writ Petition(C) No.11994/07(C) filed by Sri.V.Sanu read as 3rd paper above, Government have examined the request of Sri.Sanu reads as 2nd paper above in detail. Since conditions do not warrant any consideration in the light of grave irregularities made clear by CBI enquiry and prosecution sanction has been issued against the accused , the suspension period of V.Sanu, Deputy Director of Education under suspension is hereby extended for a further period of 6 months or completion of prosecution whichever is earlier."*

This Writ Petition is filed, challenging Ext.P4. The petitioner submits, he is innocent and it may take several years for the completion of the investigation and trial of the case. Therefore, it is not proper to keep him out of service for so long, it is submitted.

2. As per Ext.P4 order, the petitioner's suspension will remain in force, only upto October 2007. Having regard to the nature of the allegations raised against the petitioner, I am of the view that no ground has been made out, warranting interference with Ext.P4 under Article 226 of the Constitution of India. The stand taken by the Government in Ext.P4 cannot be said to be illegal or irrational. Accordingly, the challenge against Ext.P4 is repelled and the Writ Petition is dismissed. But, this will not prejudice the right of the petitioner to move the competent authority, praying not to extend the suspension period further, on completion of the present term.

24.05.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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